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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,649	08/27/2003	Joseph Abramovitch		3887

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EXAMINER

SALDANO, LISA M

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,649

Applicant(s)

ABRAMOVITCH, JOSEPH

Examiner

Lisa M. Saldano

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

The reply filed on 8/12/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant has failed to more present the claims in clearer language for complete comprehension of the claimed invention. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

AS A Courtesy to the applicant, the examiner has included information and addressed issues in the current application as described in the paragraphs below. The examiner suggests that the applicant address each issue before submitting the formal response the office action in order to expedite prosecution.

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be

Art Unit: 3673

incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:

Regarding claims 1-7, the claims are not clearly or concisely written. Furthermore, as currently written, the use of hyphens and bullets in the claims disrupt the flow of the language and claim comprehension. The claims have been interpreted as best as possible for the purposes of art examination.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Sobinger (DE-3315744-A1) in view of Merrill (3,289,415).

Art Unit: 3673

Sobinger discloses a flexible covering for icebergs wherein a vessel (see Fig.5) is equipped for towing a waterproof cloth 2 and cover foil 5 of considerable length wherein the cloth embraces the iceberg. The cloth 2, cover foil 5 and inflatable air cushions 3 are made of plastic foil with coating that is resistant from decay (including decay caused by saline water, solar radiation and low temperatures). Sobinger further discloses a device, such as a cable and towing hook, for connecting the flexible covering to the towing vessel (see Fig.5). Sobinger discloses that the iceberg cover may be folded or rolled. Sobinger illustrates a configuration wherein the cover is folded and placed under the iceberg 1; then the floatable members of the invention are used to situate the outer ends of the covering about the iceberg ultimately covering the iceberg with the cover.

However, Sobinger fails to disclose that the flexible covering comprises air cushions or air ducts in the covering forming a net. Sobinger also fails to disclose pipes, bracing belts and loops in the flexible covering. Sobiner also fails to disclose pumps and a winch.

Merrill discloses a method and apparatus for transporting potable water to relatively arid areas comprising a bag 11 made of waterproof plastic sheet material provided with buoyant inflatable ribs 13, that may also be considered pipes. The ribs are inflated to keep the bag 11 buoyant therefore permitting the bag to be kept in a position for securing the bag to the iceberg (see column 2, lines 27-41). Merrill discloses pumps and piping in conjunction with pumps to pump water out of the bag 11 (see column 3, lines 30-45). Merrill further discloses that the pumps may be actuated by electric motors, which typically have a means of processing data of specific parameters in order to actuate the proper pump. Merrill further discloses cables 54 and winches for paying out or pulling in those cables.

Art Unit: 3673

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sobinger to incorporate the air ducts, pipes, belts and loops, as taught by Merrill because Sobinger clearly states that the flexible iceberg cover may be rolled, as well as folded, prior to covering the iceberg. In the case where the flexible is rolled it would be obvious to roll both ends of the cloth at the locations of the inflatable members then to roll them inward forming a "doubled roll" as claimed by the applicant because this facilitates the placement of the covering and deployment of the covering under the iceberg, as illustrated by Sobinger in Fig.5. Belts and loops, as claimed by the applicant, are merely devices use to secure the covering about the iceberg, which would be obvious to skilled persons in the art as they function as means to secure the covering to the iceberg. Moreover, it is common in the art to use a winch to provide pulling forces, as taught by Merrill, to hoist cables, such as the cables used in the invention of Sobinger.

Regarding claims 4-7, although Sobinger fails to explicitly claim a method for iceberg isolation for further production of fresh water, his disclosure as modified by Merrill provides the basic steps required to develop method claims such as those claimed by the applicant of the present invention.

Response to Arguments

5. Regarding the applicant's request for more definite remarks regarding the claim language and wording, the examiner offers the following statements.

Art Unit: 3673

- a. The use of hyphens and bullets in the claims disrupt the flow of the language and claim comprehension.
- b. The claims fail to clearly describe what creates or forms the claimed “separate cells.”
- c. The claims fail to clearly describe exactly what the “single unit” is and how it relates to “the cloth edge intersection” and “air ducts.” The applicant has managed to describe this more clearly in the amended abstract and is encouraged to use similar language.
- d. The claims fail to clearly describe the relationship between towing hook, pipes, channel and central part of cloth. Please provide clearer language.
- e. The claims fail to clearly describe the bracing belt and associated loops and their positions relative to the cloth. Furthermore, it is not clear what the applicant means by “other side of cloth.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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